

Message Text

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PAGE 01 MOSCOW 03896 072020Z
ACTION SS-25

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AMCONSUL LENINGRAD
AMCONSUL MUNICH
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY PRAGUE
AMEMBASSY SOFIA
AMEMBASSY TEL AVIV
USMISSION USUN NEW YORK
AMEMBASSY WARSAW

C O N F I D E N T I A L MOSCOW 03896

EXDIS

E.O. 11652: XGDS-1
TAGS: PINT, PINS, CSCE, SHUM
SUBJECT: SHCHARANSKIY LAWYER APPOINTED; GINZBURG, ORLOV
UPDATE

REF: (A) STATE 55748 (NOTAL), (B) MOSCOW 3469 (NOTAL),
(C) 77 MOSCOW 8677 (NOTAL), (D) 77 MOSCOW 8597 (NOTAL)

SUMMARY: SOVIET AUTHORITIES HAVE NAMED SILVA DUBROVSKAYA
DEFENSE ATTORNEY FOR SHCHARANSKIY. FAMILY HAS REJECTED
LAWYER, BUT REPORTEDLY CANNOT PREVENT HER FROM WORKING
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PAGE 02 MOSCOW 03896 072020Z

ON CASE. END SUMMARY.

1. DEPARTMENT'S INFORMATION (REF A) ON NAMING OF LAWYER
IN SHCHARANSKIY CASE IS CORRECT. ACCORDING TO REFUSENIK
SOURCES CLOSE TO FAMILY, HER FULL NAME IS SILVA ABRAMOVNA
DUBROVSKAYA AND SHE IS JEWISH. SHE HAS BEEN APPOINTED
BY SOVIET AUTHORITIES OVER PROTESTS OF SHCHARANSKIY

FAMILY, WHICH HAS STILL NOT BEEN PERMITTED ANY FIRST-HAND INFORMATION ON HIS WISHES. FAMILY ACCORDINGLY SENT TELEGRAM TO KGB CHIEF ANDROPOV ON MARCH 2 PROTESTING BOTH THE ILLEGALITY OF REFUSAL TO PERMIT FAMILY TO ASCERTAIN SHCHARANSKIY'S PERSONAL WISHES AND THE STATE'S NAMING AN ATTORNEY AGAINST THE FAMILY'S EXPRESS DESIRE.

2. ACCORDING TO OUR REFUSENIK SOURCES, APRAKSIN ANNOUNCED DUBROVSKAYA'S APPOINTMENT AT A PRESS CONFERENCE ATTENDED BY WESTERN CORRESPONDENTS. CORRESPONDENTS THEN TELEPHONED DUBROVSKAYA, WHO INITIALLY SAID THIS WAS FIRST SHE HAD HEARD OF APPOINTMENT, THEN ADDED: "I DO NOT KNOW WHY EVERYONE IS INTERESTED IN THIS CASE -- IT IS A SIMPLE CASE." REFUSENIKS, WHO IN OUR VIEW WOULD HAVE BEEN UNLIKELY TO TRUST HER ANYWAY, INTERPRET THIS TO MEAN THAT SHE FOLLOWS STRAIGHT PARTY LINE. THEY ALSO SAY THAT SHE IS NOT WELL-KNOWN TO HER LEGAL COLLEAGUES.

3. SHCHARANSKIY FAMILY INTENDS TO STAY AWAY FROM DUBROVSKAYA OUT OF FEAR THAT CONTACTS MAY EITHER BE A "PROVOCATION" THUS RESULTING IN KGB-SPREAD DISINFORMATION OR BE INTERPRETED AS MEANING THAT FAMILY HAS ACCEPTED HER. FAMILY REPORTEDLY HAS BEEN TOLD THROUGH "ILLEGAL SOURCES (I.E., ATTORNEYS NOT PERMITTED TO DIVULGE THIS INFORMATION) THAT SHCHARANSKIY HAS REFUSED TO ACCEPT DUBROVSKAYA AS HIS ATTORNEY. REFUSENIK SOURCES STATE CONFIDENTIAL

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PAGE 03 MOSCOW 03896 072020Z

THAT UNDER SOVIET LAW THE AUTHORITIES MAY APPOINT AN ATTORNEY TO DEFEND PERSON ACCUSED OF CRIME OF TREASON, EVEN AGAINST DEFENDANT'S WISHES, AND THAT ATTORNEY COULD CONCEIVABLY ENTER GUILTY PLEA ON BEHALF OF UNWILLING CLIENT.

4. ONE OF OUR U.S. PRESS CONTACTS HAS THIRD-HAND A STORY SUPPOSEDLY ORIGINATING WITH APRAKSIN THAT PRIMARY CASE AGAINST SHCHARANSKIY INVOLVES PASSING SECRET INFORMATION. IF CORRECT, THIS REINFORCES EMBASSY'S EARLIER CONCLUSION THAT (PRIMARY) REASON FOR INTERROGATION OF L.A. TIMES CORRESPONDENT TOTH WAS TO HELP BUILD CASE AGAINST SHCHARANSKIY (REFS C AND D). IF SOVIETS TAKE THIS ROUTE, WE SUSPECT THAT TOTH'S STATEMENTS WILL FIGURE PROMINENTLY IN TRIAL.

5. WE ASSUME REF A CROSSED WITH MOSCOW 3469, WHICH COVERED DEVELOPMENTS IN SHCHARANSKIY, ORLOV AND GINZBURG CASES ON BASIS OF INFORMATION AVAILABLE TO US AT THAT TIME (IN SHCHARANSKIY CASE, NOW OVERTAKEN BY EVENTS). WE HAVE LITTLE AT PRESENT TO ADD TO AP REPORT OF FEB. 17 THAT MRS. GINZBURG HAD NAMED YELENA REZNIKOVA AS HER

HUSBAND'S ATTORNEY. WE HAVE HEARD THAT ORLOV'S ATTORNEY IS UNDER HEAVY PRESSURE NOT TO DISCLOSE DETAILS OF HIS MEETINGS WITH ORLOV (WHICH ALWAYS OCCUR IN PRESENCE OF AT LEAST ONE SOVIET OFFICIAL) EVEN WITH MRS. ORLOV. ATTORNEY HAS, HOWEVER, REPORTEDLY SAID THAT ORLOV DOES PHYSICAL EXERCISES EACH DAY AND MUCH APPRECIATES FOOD PARCELS MRS. ORLOV SENDS HIM. ORLOV IS REPORTEDLY REVIEWING DOCUMENTS IN HIS CASE INDEPENDENTLY OF LAWYER. ACCORDING TO OUR SOURCES, DOCUMENTS MAKE NO MENTION OF HELSINKI ACCORD OR CSCE MONITORING GROUP. TOON

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